

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47382-2021
Date of Decision: 08.04.2022

Parveen Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Goyat, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 160 dated 21.05.2020, under Sections 306 IPC (Section 34 IPC added later on), registered at Police Station Bhuna, District Fatehabad, Haryana.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 23.08.2021 and investigation of the case has already been completed and thereafter even charges have been framed. He further submitted that it is a case where the allegations against the petitioner were that he had illicit relationship with one Annu whose husband had committed suicide and has stated that the aforesaid Annu has been granted bail by this Court vide Annexure P-3. He further submitted that even as per

the suicide note the allegations were only pertaining to harassment due to the aforesaid illicit relationship but there is no intimidation or any kind of abetment to commit suicide shown in the suicide note and, therefore, ingredients of Section 107 and 306 IPC have not been fulfilled. He further submitted that be that as it may once the investigation of the case is complete and no recovery is to be effected from the petitioner and the petitioner is not involved in any other case and has clean antecedents and, therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Ranvir Singh Arya, Additional Advocate General, Haryana has submitted that it is correct that the petitioner is in custody 23.08.2021 and the investigation of the case has already been completed and no recovery is to be effected from the petitioner. However, he has opposed the grant of bail on the ground that the matter is serious in nature because the petitioner had illicit relation with the wife of the deceased.

I have heard the learned counsel for the parties.

The investigation of the case has been completed. The matter pertains to death caused by suicide and it is a debatable issue as to whether the ingredients of Sections 306 and 107 IPC are not fulfilled or not. As per learned counsel for the parties no recovery is to be effected from the petitioner. The trial of the case may take long time. As per the learned counsel for the parties there is no other case against the petitioner and he has clean antecedents. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and

considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

08.04.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No